

REMARKS

In response to the above-identified Final Office Action (“Action”), Applicants traverse the Examiner’s rejection to the claims and seeks reconsideration thereof. Claims 3-10 and 14-32 are now pending in the present application. Claims 3-7, 15-22 and 26-32 are rejected. Claims 3, 4, 19, 26 and 32 are amended, claims 5, 15-18, 20 and 27 are cancelled, and claims 33-35 are added.

The instant invention is directed to a method of making a lithium secondary battery comprising forming a positive electrode by coating a lithium metal oxide on a current collector, forming a negative electrode by coating carbonaceous materials or SnO₂ on a negative current collector, interposing a separator between the positive and negative electrodes and injecting an electrolyte to immerse the positive electrode and negative electrodes and the separator.

I. Claim Amendments

Claims 3, 4, 19, 26 and 32 are amended to recite that the tensile strength of the negative current collector is greater than 560 N/mm². Support for the amendments to claims 3, 4, 19, 26 and 32 may be found, for example, on page 5, Table 1 of the application. Since the amendments are supported by the specification and do not add new matter, Applicants respectfully request consideration and entry of the amendments to claims 3, 4, 19, 26 and 32.

II. New Claims

Claims 33-35 are added in the instant response. Claims 33-35 recite the element of “wherein the tensile strength is greater than 620 N/mm².” Support for the amendments may be found, for example, on page 5, Table 1 of the application. Thus, the amendments are supported by the specification and do not add new matter. In view of the foregoing, Applicants respectfully request consideration and entry of the amendments to claims 33-35.

III. Claim Rejections – 35 U.S.C. §112, first paragraph

In the outstanding Action, the Examiner rejects claims 5, 15-18, 20 and 27 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Although Applicants believe claims 5, 15-18, 20 and 27 are in compliance with 35 U.S.C. §112, first paragraph, in an effort to expedite prosecution on this case, Applicants have deleted these claims in the instant response. In view of the foregoing, the rejection on this basis is moot.

IV. Claim Rejections – 35 U.S.C. §102 and §103

A. In the outstanding Action the Examiner rejects claims 3, 4, 6, 19, 21 and 32 under 35 U.S.C. 102(a)/103(a) as being anticipated by, and alternatively unpatentable over Japanese Patent No. 11-339811 issued to Takagi et al. ("Takagi '811"). Applicants respectfully traverse the rejection.

Applicants respectfully submit, Takagi '811 fails to teach or suggest at least the element of "wherein the copper-based alloy is produced by a plating process into a foil shape" (emphasis added) as recited in claims 3, 4, 19 and 32 in order to improve tensile strength. Instead, Takagi '811 teaches rolled copper foils made by cold rolling to achieve a desired tensile strength. See Takagi '811, paragraph [0010]; Table 1. A plating process, such as an electroplating process as disclosed in the instant application, is entirely different from a cold rolling process.

The Examiner has further not pointed to, and Applicants are unable to discern a portion of Takagi '811 teaching or suggesting the element of "wherein the tensile strength of the negative current collector is greater than 560 N/mm²" as recited in the amendment to the claims.

Thus, for at least the foregoing reasons, Takagi '811 may not be relied upon to teach or suggest each and every element of independent claims 3, 4, 19 and 32 and dependent claims 6 and 21. Since each element of claims 3, 4, 6, 19, 21 and 32 are not taught or suggested by Takagi '811, anticipation or alternatively, a *prima facie* case of obviousness, may not be established. For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3, 4, 6, 19, 21 and 32 under 35 U.S.C. §102(a)/103(a).

Takagi '811 further fails to teach or suggest the element of “wherein the tensile strength is greater than 620 N/mm²” as recited in new claims 33-35. For at least the foregoing reasons, claims 33-35 are further not anticipated by, or obvious under 35 U.S.C. §102(a)/103(a) in view of Takagi '811.

B. In the outstanding Action the Examiner rejects claims 3-7, 19-22 and 26-32 under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 11-086871 issued to Takagi et al. (“Takagi '871”). Applicants respectfully traverse the rejection.

Claims 5, 20 and 27 are cancelled in the instant response therefore the rejection to claims 5, 20 and 27 on this basis is moot.

Similar to Takagi '811, Takagi '871 teaches rolled copper foils made by cold rolling are preferred. See Takagi '871, paragraph [0009]. Thus, Takagi '871 fails to teach or suggest “wherein the copper-based alloy is produced by a plating process into a foil shape” (emphasis added) as recited in claims 3, 4, 19 and 32 in order to improve tensile strength.

The Examiner has further not pointed to, and Applicants are unable to discern a portion of Takagi '871 teaching or suggesting the element of “wherein the tensile strength of the negative current collector is greater than 560 N/mm²” as recited in the amendment to claims 3, 4, 19, 26 and 32.

Thus, for at least the foregoing reasons, Takagi '871 may not be relied upon to teach or suggest each and every element of claims 3, 4, 19, 26 and 32. Since each element of claims 3, 4, 19, 26 and 32 are not taught or suggested by Takagi '871, a *prima facie* case of obviousness may not be established. For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3, 4, 19, 26 and 32 under 35 U.S.C. 103(a).

In regard to claims 6, 7, 21, 22, 25 and 28-31, claims 6 and 7 depend from claim 4, claims 21, 22 and 25 depend from claim 19 and claims 28-31 depend from claim 26 and incorporate the limitations thereof. Thus, for at least the foregoing reasons discussed in regard to claims 4, 19 and 26, Takagi '871 may not be relied upon to teach or suggest each and every element of claims

6, 7, 21, 22, 25 and 28-31. Since each element of claims 6, 7, 21, 22, 25 and 28-31 are not taught or suggested by Takagi '871, a *prima facie* case of obviousness may not be established. For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 56, 7, 21, 22, 25 and 28-31 under 35 U.S.C. 103(a).

Takagi '871 further fails to teach or suggest the element of “wherein the tensile strength is greater than 620 N/mm²” as recited in new claims 33-35. For at least the foregoing reasons, claims 33-35 are further not anticipated by, or obvious under 35 U.S.C. §102(a)/103(a) in view of Takagi '871.

V. Allowable Subject Matter

Applicants respectfully acknowledge the Examiner’s indication that claims 8-10, 14 and 23-25 would be allowable if rewritten in independent form. For at least the reason that these claims depend from allowable base claims, Applicants believe the claims are in allowable form without amending them as suggested by the Examiner.

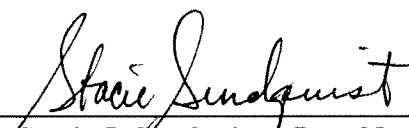
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 3-4, 6-10, 14, 19, 21-26 and 28-35, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

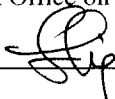
Dated: November 29, 2006

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on November 29, 2006.


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